

REMARKS

Claims 1-3, 7-8, 10-11, 13-15, 21-27, 30-32, 34-35, 37-57, 63, 65, 67-68, 70-72, 75, 77-78, 80-89, and 91 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,205,481 (Heddaya) in view of U.S. Patent No. 6,742,033 (Smith) and US 2002/0147887 (Copeland). Claims 6, 9, 19, 28, 36, 58-62, 64, 74, 76, and 90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Heddaya, Smith, and Copeland, and further in view of U.S. Patent No. 6,092,192 (Reiche).

Claim 1 recite an act of prefabricating a first page that comprises querying a database to obtain cached data, *processing the data received from the database, and packaging information associated with the data in a prescribed format* (Emphasis Added). Claims 23, 49, 58, 63, 70, and 71 each recites a similar limitation. Applicants agree with the Examiner that Heddaya and Smith do not disclose or suggest the above limitation. According to the Office Action, paragraphs 38-41 of Copeland allegedly disclose the above limitation.

As a preliminary matter, Applicants reserve the right to submit evidentiary affidavits or declarations under 37 C.F.R. §1.131 to antedate the Copeland publication for purposes of removing it as prior art under §103. In the meantime, Applicants respectfully submit that the alleged combination of Heddaya, Smith, and Copeland (with respect to independent claims 1, 23, 49, 63, 70, and 71), and the alleged combination of Heddaya, Smith, Copeland, and Reiche (with respect to independent claim 58), are impermissible hindsight. To establish a case of obviousness under 35 U.S.C. § 103, there must be some motivation to combine the teaching of the references. (M.P.E.P. 706.02(j)). In this case, rather than allowing claims 1, 23, 49, 63, 70, and 71, the Examiner combined three separate references that allegedly cover different limitations of the claims, and provided respective hindsight reasons for combining these three references. Similarly, rather than allowing claim 58, the Examiner combined four separate references that allegedly cover different limitations of the claim, and provided respective hindsight reasons for combining these four references. Because it is improper to use

impermissible hindsight when combining references to establish a 103 rejection, Applicants respectfully submit that a prima facie case for the § 103 rejection has not been established, and request that the § 103 rejections be withdrawn.

In addition, Applicants respectfully submit that the cited passages of Copeland do not disclose or suggest the claimed limitation. In particular, the cited passages of Smith actually disclose:

[0038] In recent years there has been tremendous growth in Internet traffic. This growth far exceeds the increase in the number of users, and is primarily attributable to the ever-greater dynamic content of modern web pages. E-commerce websites must supply enormous amounts of data requested by Internet shoppers browsing highly interactive web pages. Furthermore, they must do so very efficiently. The shopper should perceive the web page as sufficiently responsive--otherwise, he may direct his browser elsewhere.

[0039] An obvious response to the huge growth in Internet traffic would be for the website provider to invest in more web servers and associated hardware. However, this is a very expensive approach. A more cost effective solution is to cache web content that is frequently requested, but infrequently modified; this avoids the need to continually retrieve it from the website database. The majority of online e-business sessions consist of requests for data by the user; it is much less common for the user to send data to the database. Therefore, such "read only" transfers are very suitable for caching.

[0040] Techniques are presented herein for improving web caching performance. These improvements are brought about through decreasing the frequency of database accesses and avoiding redundant execution of commands and JSPs among multiple networked servers. A preferred embodiment for these methods is an object-oriented software environment supporting distributed web-based applications, such as IBM's WebSphere system. WebSphere provides an Application Program Interface (API) for the support of applications written in Java. In this embodiment, the present techniques are implemented as methods and properties of objects, thus extending the API to allow the creation of cacheable

versions of its standard objects. Within this API, a cacheable entry is represented as a CacheEntry object type, with appropriate methods and properties. The augmented API allows a web software developer to incorporate improved cache functionality into web page.

[0041] In many cases, it would be advantageous to cache a reusable command that generates HTML web content. As an alternative to caching the command itself, we may cache the fully rendered HTML--there are both advantages and disadvantages to each option. If we cache the HTML, the underlying data does not have to be rendered into HTML code for each request. On the other hand, if we cache the command, we have to render the content into HTML each time it is requested, but we avoid having to access the database again each time the view changes.

(Emphasis Added)

As such, the cited passages disclose caching HTML data, but do not disclose or suggest processing and packaging the cached HTML data after the HTML data is cached. Therefore, the cited passages do not disclose or suggest an act of prefabricating a page, which includes querying a database to obtain cached data, processing the data received from the database, and packaging information associated with the data in a prescribed format. For this additional reason, claims 1, 23, 49, 63, 70, 71, and their respective dependent claims are believed allowable over Heddaya, Smith, Copeland, and their combination, and claim 58 and its dependent claims are believed allowable over Heddaya, Smith, Copeland, Reiche, and their combination.

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7011452001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7011452001.

Respectfully submitted,
Bingham McCutchen LLP

Dated: December 12, 2005

By: Gerald Chan
Gerald Chan
Registration No. 51,541

BINGHAM McCUTCHEN LLP
Three Embarcadero Center, Suite PL2
San Francisco, CA 94111-4074
Telephone: (650) 849-4960
Telefax: (650) 849-4800